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April 17, 2023

**VIA ECF**

Honorable Magistrate Judge Edward S. Kiel  
Frank R. Lautenberg U.S. Post  
Office & courthouse building  
2 Federal Square Courtroom 8,  
Newark, NJ 07102

**Re: Lee v. Dong Bang Corporation et al, 22-cv-01336**

Dear Judge Kiel,

This firm represents Plaintiff Yu Jung Lee in the above-referenced matters. This letter is being filed to comply with your honor's order entered on Apr 14, 2023 directing plaintiff's counsel "to set forth his efforts to 'confirm' the depositions of the opt-in plaintiffs scheduled for April 17 and 18, 2023."

On 2/13/23, my office sent a text message to Mr. Guhwan Park and asked if he received the opt-in form. On 2/14/23, Mr. Park replied back via text and stated that he did read the form and wrote "I will prepare the form and send!" On 2/15/23, we texted him back "Ok. Thank you." Mr. Park did mail back the opt-in form with his signature to our office and we filed the signed opt-in form on 2/22/23.

On March 20, 2023, defendants' counsel's office emailed us a notice of deposition scheduled to take place about two weeks later on April 4, 5 and 6th. I emailed back and advised that the proposed dates will not work due to the pending trial I have starting on April 10th. I offered that I would be available during the 3rd and 4th week of April.

A few minutes later Ms. Diane Lee emailed back and wrote:

*17th Jinho kim  
18th Guhwan Park  
19th Sarah Lee  
All starting at 9:30 start time. We'll send you the amended notice of deps.*

*I assume they all need a Korean-speaking interpreter.  
Diane H. Lee, Esq.*

About 30 minutes later, they sent an amended notice of deposition.

On 4/7/23, about a week and half before the deposition date, my office sent text message to Mr. Park regarding his deposition via zoom. He replied back asking what zoom is. We

explained that it is a video conference platform. He replied back and told us that he would discuss it with his wife and contact us.

After waiting for a few days and not hearing back, on 4/10/23, we followed up with him and asked again if he can appear for his deposition on 4/18. We received no response from Mr. Park.

From 4/10/23, I conducted a jury trial at EDNY and it was concluded around 6pm on 4/12/23.

On 4/13, we followed up with Mr. Park yet again asking if he could attend the deposition. There was still no response from him. We sent another text asking him again if he cannot attend the deposition on that day, to let us know another date that he can attend. Unfortunately we still received no response. On 4/14, we contacted him again to confirm his availability. Mr. Park did not respond. We also tried calling him several different times on the 14th but there was no answer.

We emailed, called and/or texted Mr. Park on 4/7, 4/10, 4/13, 4/14, 4/15, and 4/17. Starting on 4/13, text messages we tried to send bounced back with the message "Unable to send message. Sorry, this message couldn't be delivered." When we called his cell phone number, the call went immediately to a busy signal without ringing. We emailed him and asked him to contact us but received no reply from him.

On 4/14/23, I emailed Ms. Diane Lee the following:

*WE have been repeatedly calling Mr. Park's cell but every time it goes to "your call cannot be completed as dialed". We checked the number and tried again but still the same thing. I called using my cell and office number but it was still the same.*

*WE are unable to contact him. I don't know what else I can do.*

As for the other opt-in plaintiff Mr. Kim, on 4/7/23, we texted him to ask if he can attend his deposition on the 17th. He replied back saying no. We texted him again asking when he can do his deposition. We received no response. On Monday 4/10/23, we sent him a text and asked if he can't do the deposition, what he would like to do. Mr. Kim did not respond. On 4/13, we texted him again to let us know what he likes to do. We received no response.

We sent another text asking him to call us. Mr. Kim replied saying he is not going to do it. After receiving that text, we sent a text message to clarify whether he does not want to attend deposition or to not continue with the lawsuit. Mr. Kim replied back saying he does not wish to continue with the lawsuit.

On 4/14 at 11:46 am, I emailed Ms. Diane Lee and informed her the following:



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*"the opt-in plaintiff Mr. Kim informed my office that he no longer wishes to participate in the lawsuit. So I will dismiss him from the case. We have been trying to reach Mr. Park but have not been able to so I cannot say for certain what he wants to do. I will advise as soon as we find out for certain."*

Parties agreed to file a stipulation to dismiss Mr. Kim without prejudice. My office drafted the stipulation and sent it to Ms. Lee's office at 1:29 pm. At 2:34 pm, the Court entered an order directing plaintiff's counsel to file a letter setting forth effort to confirm the depositions.

At 3:22 pm, Ms. Lee emailed me and wrote:

*"In light of Judge's Order just handed down, I am going to hold off on entering into a Stipulation to dismiss Jinho Kim's claims without prejudice. Pls do not file the Stipulation."*

My office reached out to the named plaintiff Ms. Yu Jung Lee and explained to her the situation and asked if she can travel to the court on Wednesday. She informed us that she is working that day but she could switch her schedule so that she could attend the hearing. As for myself, I have a telephonic hearing for another matter pending in EDNY at 12pm on 4/19 which is expected to last from 30 minutes to an hour.

This hearing was set in Mar 22, 2023 so I respectfully request that your honor's hearing be moved to 2:30 pm or later in order for me to attend the telephonic hearing starting at 12 pm and have enough time to travel to the court on the 19th.

Respectfully submitted,

/s/ Ryan Kim

Cc: Diane H. Lee, Esq. (via ECF)